

REMARKS/ARGUMENTS

The oath/declaration has been deemed defective for allegedly not properly identifying the application by application number and filing date.

Claims 1 to 19 were rejected under 35 U.S.C. § 112, first paragraph as providing no reasonable enablement for the clutch to be disengaged/free-wheeling during engine braking mode. Claims 1 to 19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1 to 18 have been amended.

Reconsideration of the application is respectfully requested.

Oath/Declaration

The oath/declaration has been deemed defective for allegedly not properly identifying the application by application number and filing date.

Applicants respectfully submit that the signed Power of Attorney and Declaration submitted on April 23, 2004 properly identifies the declaration by application number and filing date. Applicants had authorized attorneys of record to insert application number and filing date in the parentheses next to the third check box from the top. Application number 10/791,432 and filing date March 2, 2004 were properly inserted in the filed declaration.

It is respectfully requested that the filed declaration and power of attorney is acceptable and no new oath or declaration is required. It is assumed that the Examiner was reviewing the declaration filed with the application and not the one filed in response to the notice of missing parts on April 23, 2004. Should the Examiner require a copy of the oath as filed with the notice of missing parts, Applicants would be happy to provide it.

35 U.S.C. 112 Rejections

Claims 1 to 19 were rejected under 35 U.S.C. § 112, first paragraph as providing no reasonable enablement for the clutch to be disengaged/free-wheeling during engine braking mode. Claims 1 to 19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

The engine braking mode and the free-wheeling mode or phase are two different modes, as described for example in [0027], and shown in the Figures. Applicants apologize for any confusion and have amended claims 1 and 18 to recite that the clutch is controlled so as to

change from the engine braking mode to the free-wheeling mode, as described for example in Fig. 1 and [0021].


Claims 3, 4, 7, 12 and 15 have been amended for proper antecedent basis.

It is respectfully submitted that the claims are now enabled, clear and definite and withdrawal of the rejections to claims 1 to 19 is respectfully requested.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,
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